

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

STICHTING PENSIOENFONDS ABP,

Plaintiff,

v.

MERCK & CO., INC., RAYMOND V.
GILMARTIN, JUDY C. LEWENT, ALISE S.
REICIN, KENNETH C. FRAZIER, EDWARD
M. SCOLNICK, DAVID W. ANSTICE, and
PETER S. KIM

Defendants.

CASE NO. 2:05-CV-05060-SRC-MAS

STIPULATION AND [PROPOSED] ORDER

WHEREAS, Plaintiff in the above-captioned action filed the original Complaint on October 21, 2005, which contained 453 paragraphs, spanned 194 pages, and alleged 7 causes of action;

WHEREAS, by telephonic conference on July 9, 2007, this Court granted the request made by all Defendants other than Defendant Scolnick ("Defendants") to double the page limits prescribed by the U.S. District Court for the District of New Jersey Local Civil Rule 7.2 for briefs supporting or opposing Defendants' motion to dismiss the original Complaint;

WHEREAS, Plaintiff filed the Second Amended Complaint on October 21, 2011, which contains 509 paragraphs, spans 214 pages, and alleges 8 causes of action;

WHEREAS, Defendants will file a motion to dismiss the Second Amended Complaint on January 20, 2012;

WHEREAS, Defendant Scolnick intends to file a separate motion to dismiss the Second Amended Complaint on January 20, 2012;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, through their undersigned counsel, AND SO ORDERED:

1. The page limits for Defendants' Motion to Dismiss the Second Amended Complaint and Plaintiff's opposition to Defendants' motion shall be increased to 60 pages (or 45 pages if 12-point proportional font is used);
2. The page limit for any reply brief filed by Defendants shall be increased to 30 pages (or 22.5 pages if 12-point proportional font is used);
3. Nothing in this stipulation shall alter the page limits applicable to any motion to dismiss filed by Defendant Scolnick, or any opposition thereto filed by Plaintiff.

DATED: December 6, 2011

AGREED TO BY:

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DATED: December 16, 2011

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Counsel for Defendant Edward M. Scolnick

SO ORDERED: _____, 2011

Hon. Stanley R. Chesler
United States District Judge